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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re Navidea Biopharmaceuticals Litigation

Case No.: 1:19-cv-01578-VEC

Gregory Zimmer , hereby declares under penalty of perjury as follows:

1. I am an attorney admitted to practice before this Court and counsel to Defendant/Counterclaim Plaintiff/Third-Party Plaintiff Dr. Michael M. Goldberg, M.D. (“Dr. Goldberg”) in this action. I make this declaration in opposition to the motion (the “Motion”) of Plaintiff/Counterclaim Defendant Navidea Biopharmaceuticals, Inc. (“Navidea”) and Third-Party Defendant Macrophage Therapeutics, Inc. (“Macrophage and, together with Navidea, “Defendants”) to exclude expert testimony of Dr. Goldberg’s designated expert witness, Terry L. Orr.

2. Annexed hereto as Exhibit A is a true and correct copy of the Expert Report of Terry L. Orr, dated September 30, 2021, served by Dr. Goldberg in this action.

3. Annexed hereto as Exhibit B is a true and correct copy of the Expert Rebuttal Report of William F. Murray, dated November 15, 2021, served by Defendants in this action.

4. Annexed hereto as Exhibit C are true and correct copies of relevant pages of the transcript of the deposition of William F. Murray, conducted in this action on December 6, 2021.

5. Annexed hereto as Exhibit D is a true and correct copy of the agreement dated August 14, 2018, by and between Dr. Goldberg, Navidea and Macrophage.

6. At depositions in this action witnesses produced by Navidea acknowledged that statements made to the New York Stock Exchange on behalf of Navidea would be subject to significant sanctions if they false statements.

Wherefore, I respectfully request that the Court deny Defendants' Motion in its entirety, and award Dr. Goldberg such other and further relief as the Court deems just and proper.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my personal knowledge and investigation or, where noted, on information and belief.

March 18, 2022

/s/ Gregory Zimmer

Gregory Zimmer, Esq.